



State of New Jersey

DEPARTMENT OF HEALTH AND SENIOR SERVICES

OFFICE OF EMERGENCY MEDICAL SERVICES

PO BOX 360

TRENTON, N.J. 08625-0360

[www.nj.gov/health](http://www.nj.gov/health)

RICHARD J. CODEY  
*Acting Governor*

FRED M. JACOBS, M.D., J.D.  
*Commissioner*

October 7, 2005

Mr. Amir Bashir  
Senior Transportation  
707 White Horse Pike, Suite E3  
Absecon, New Jersey 08201

Re: **Notice of Proposed Assessment of Penalties:**  
**Basic Life Support Ambulance Service Provider**  
Investigation Control #05-B-011

Dear Mr. Bashir:

The New Jersey Department of Health and Senior Services is vested with the responsibility of carrying out the provisions of the Health Care Facilities Planning Act (N.J.S.A. 26:2H-1, et seq.) which was enacted, in part, to ensure that hospital and related health care services rendered in New Jersey are of the highest quality. As defined at N.J.S.A. 26:2H-2b, health care services include pre-hospital basic life support ambulance services. In addition, in accordance with §6.4 and §6.6 of the New Jersey Medical Assistance and Health Services Act (N.J.S.A. 30:4D-1, et seq.), this Department is responsible for the development of minimum licensure requirements concerning the equipment, supplies and vehicles of providers of mobility assistance vehicle services.

Finally, N.J.S.A. 26:2H-5 grants the Commissioner of Health and Senior Services the power to inquire into health care services and to conduct periodic inspections with respect to the fitness and adequacy of the equipment and personnel employed by those services. As such, in furtherance of each of the aforementioned statutory objectives, the Department of Health and Senior Services adopted regulations that govern the licensure and inspection of ambulance and mobility assistance vehicle service providers and their vehicles. Those regulations are set forth in their entirety at N.J.A.C. 8:40-1.1, et seq.

On October 21, 2004, at approximately 1:15 p.m., staff of this Department's Office of Emergency Medical Services (OEMS) conducted an unannounced vehicle inspection of Senior Transportation vehicle #204, license plate #X5774U, at Atlantic Regional Medical Center-City Division.

The inspection revealed the following deficiencies:

1. The exhaust pipe was broken off under the body of the ambulance. The inspector could smell fumes and black soot was visible on interior surfaces of the ambulance and emergency medical service equipment;
2. The driver's side rear door did not open properly and the door needed to be "kicked" in order to open;
3. The onboard oxygen restraint system was missing a third restraining device; and
4. Equipment was not stored in a crashworthy manner and positive action locks are needed on several cabinets.

As you should know:

N.J.A.C. 8:40-4.8(a)2 states, "In order to minimize the amount of carbon monoxide, noxious gases, diesel exhaust, fumes and contaminants entering the vehicle... The vehicle exhaust system shall extend beyond the sides of the vehicle and away from the fuel tank filler pipes and doors."

N.J.A.C. 8:40-6.10(c)4 states, "The patient compartment shall have at least two exterior doorways. The doors to each patient compartment doorway shall be capable of being opened and utilized from both inside the patient compartment and from the exterior of the vehicle, using a standard automotive industry door handle."

N.J.A.C. 8:40-6.6(a)4 states, "Each basic life support ambulance shall be equipped with both an installed and a portable oxygen system, as well as one reserve oxygen cylinder with a capacity of at least 300 liters. The installed oxygen system shall be capable of safely storing and supplying a minimum of 3,000 liters of medical oxygen. The oxygen cylinder controls shall be accessible from inside the vehicle. Cylinder opening handles or wrenches shall be affixed to, or shall be chained and clipped with, the oxygen cylinder. Any oxygen piping and/or hose shall be nonferrous and shall be suitable for medical oxygen. All installed oxygen cylinders shall be retained in an oxygen tank holder certified by the manufacturer to comply with AMD Standard 003-Oxygen Tank Retention System."

N.J.A.C. 8:40-4.4(e)6 states, "The interior of the vehicle shall be designed for the safety of patients and crewmembers and the patient compartment shall have the following safety features. All cabinet doors, except a sliding door, shall have a positive latching mechanism that shall hold the door securely closed and shall prevent the contents of the cabinet from pushing the door open from the inside."

Pursuant to N.J.A.C. 8:40-7.2(e), the Department may impose a penalty of \$250 for a provider that is in violation of any of the regulations set forth in N.J.A.C. 8:40-1.1 et

seq. You are hereby assessed a penalty of \$250 for each violation #1 and #2, noted above, for a total penalty of \$500. With respect to violations #3 and #4, I am issuing a formal warning that this Department may impose a monetary penalty if such violations are found during the course of any future inspections.

A certified check or money order in the amount of \$500 made payable to "Treasurer, State of New Jersey", must be submitted within 30 days from the date of this Notice. In accordance with N.J.S.A. 26:2H-16 and N.J.A.C. 8:40-7.2(h), failure to pay this penalty may result in a summary civil proceeding in the Superior Court of New Jersey pursuant to the Department to issue or renew a license and/or any such other action as authorized by law. Payment should be forwarded to:

New Jersey Department of Health & Senior Services  
Office of Emergency Medical Services  
P.O. Box 360  
Trenton, New Jersey 08625-0360  
Attn: Karen Halupke, Director

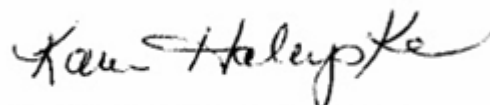
Pursuant to N.J.S.A. 26:2H-13 and N.J.A.C. 8:40-7.3, you are entitled to a hearing before the Office of Administrative Law to contest this proposed penalty assessment. Your request for a hearing must be submitted in writing and must be accompanied by a response to each of the charges noted above. In the event that you request a hearing, the penalty shall be held in abeyance until such time as the hearing has been conducted and a final decision has been rendered.

Your request for a hearing must be submitted within 30 days from the date of this Notice, and should be forwarded to:

New Jersey Department of Health & Senior Services  
Office of Legal & Regulatory Affairs  
P.O. Box 360, Room 805  
Trenton, New Jersey 08625-0360  
Attn: Ms. Michele Stark

Please include the control #05-B-011 on all correspondence. **Finally, failure to request a hearing within 30 days of this Notice shall render this Notice final, and the entire \$500 shall be immediately due and payable.** If you have any questions concerning this matter, please do not hesitate to contact Samuel Stewart, Esq. at (609) 633-7777.

Sincerely,



Karen Halupke, R.N., M.Ed  
Director, Emergency Medical Services

- c. David Gruber, Assistant Commissioner  
Michele Stark, DHSS  
Charles McSweeney, OEMS  
Samuel Stewart, Esq., OEMS

VIA REGULAR U.S. MAIL AND  
CERTIFIED MAIL # 7002 2410 0003 3470 5590  
RETURN RECEIPT REQUESTED